IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Patricia A. Torrens-Burton	:	Date: February 19, 2009
Group Art Unit:	3689	:	IBM Corporation
Examiner:	M. Fisher	:	Intellectual Property Law
Serial No.:	10/045,134	:	Dept. 917, Bldg. 006-1
Filed:	November 7, 2001	:	3605 Highway 52 North
Title:	METHOD AND APPARATUS FOR PROVIDING CUSTOMIZED SOUVENIR IMAGES	:	Rochester, MN 55901

Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF IN SUPPORT OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Sir:

This is an appeal of a Final Rejection under 35 U.S.C. §103(a) of claims 1, 3-6, 9, 10 and 13-29 of Application Serial No. 10/045,134, filed November 7, 2001. This brief is submitted pursuant to a Notice of Appeal filed December 19, 2008, as required by 37 C.F.R. §1.192.

1. Real Party in Interest

International Business Machines Corporation of Armonk, NY, is the real party in interest. The inventor assigned her interest as recorded on November 7, 2001, on Reel 012493, Frame 0338.

2. Related Appeals and Interferences

There are no related appeals nor interferences pending with this application.

3. Status of Claims

Claims 1, 3-6, 9, 10 and 13-29 are pending and stand finally rejected, and are on appeal herein. Claims 2, 7, 8, 11 and 12 are cancelled. The claims on appeal are set forth in the Appendix of Claims

4. Status of Amendments

No amendments were submitted following Final Rejection.

5. Summary of Claimed Subject Matter

The invention herein relates to providing customized souvenir images to customers of an event, such as spectators present in a stadium at an athletic competition. Independent claim 1, 16 and 25 recite respectively a method, system and computer program product in which an image associated with an event site location occupied during an event by a customer is automatically presented to the customer responsive to input of the location. Independent claim 24 recites a system including an automated kiosk, in which an image associated with an assigned customer seat location is automatically presented to the customer responsive to reading a document evidencing the seat location.

In accordance with claim1, a method of providing souvenir images to event site customers includes capturing motion video during the event, the event being attended by a set of event site customers [Spec. p. 3, lines 2-14; p. 4, lines 11-15; p. 11, lines 1-8; p. 13, lines 12-18; Fig. 2, step 212]. Images of different locations within the event site are generated from the motion video, each image being associated with a respective event site location [Spec. p. 3, lines 9-18; p. 7, lines 3-10; Fig. 2, steps 212-216]. Each event site location is occupied during the event by a respective discrete subset of the event site customers, each subset being different and containing at least one and fewer than all the event site customers, each customer occupying only a single event site location during the event. [Spec. p. 3, lines 3-5; p. 4, lines 4-10; p. 6, lines 18-22; p. 8, lines 3-6; p. 12, lines 8-19]. A customer inputs a desired event site location into an automated interactive device after the video is captured [Spec. p. 3, line 19 - p. 4, line 10; p. 7, lines 11-19; p. 9, line 21 - p. 10, line 8; Figs. 3 and 4]. Responsive to the input, the interactive device automatically display an image associated with the desired location [Spec. p. 3, line 19 - p. 4, line 10; p. 8, lines 3-7; p. 10, lines 7-13; Figs. 3 and 4]. Responsive to receiving a customer confirmation, the interactive device automatically provides the image to the customer [Spec. p. 4, lines 6-10; p. 8, lines 7-13; p. 10, lines 12-21; Figs. 3 and 4].

In accordance with claim 16, a system for providing souvenir images includes a selection input device to receive a desired event site location input from among multiple locations within an event site from a customer attending an event [Spec. p. 3, lines 2-8, 19-23; p. 4, lines 6-10; p. 6, lines 10-17; p. 7, lines 13-18; p. 9, lines 14-20; p. 10, lines 2-6; Figs. 1B, 1C]. The system also includes a motion video camera for generating images of different event site locations, each image being associated with a respective location [Spec. p. 3, line 19 - p. 4, line 1; p. 4, lines 11-15; p. 6, lines 1-9; p. 7, lines 3-10; p. 11,

lines 1-8, p. 13, lines 12-18; Fig. 1A]. Each event site location is occupied during the event by a respective discrete subset of the set of customers attending the event, each subset being different and containing at least one and fewer than all customers attending the event, each customer attending the event occupying only a single location during the event. [Spec. p. 3, lines 1-6; p. 4, lines 3-10; p. 6, lines 1-4, 18-22; p. 8, lines 3-6; p. 12, lines 8-19]. The system further includes an image database for storing image data from the motion video and a processor to automatically correlate a desired location input by a customer with an image, the input being received after capture of the motion video [Spec. p. 3, lines 19-23; p. 6, lines 6-9; p. 7, lines 3-10; Fig. 1A]. The system further includes an image delivery apparatus to automatically provide an image associated with the desired location [Spec. p. 3, lines 19-23; p. 4. lines 6-10; p. 6, lines 11-16; p. 8, lines 10-13; p. 9, lines 15-20; p. 10, lines 12-21; Figs. 1B, 1C].

In accordance with claim 24, a system for providing souvenir images includes a camera for generating images of different event site locations, and a sensor that automatically correlates each image with a respective subset of seat locations, each subset being different and containing at least one and fewer than all seat locations at the event site [Spec. p. 3, lines 2-8; page 3, line15 - p. 4, line 8; p. 6, lines 1-9; p. 7, lines 3-10; Fig. 1A]. The system further includes an automated kiosk for interactive use by a customer after image capture [Spec p. 4, lines 4-10; p. 6, lines 10-17; p. 7, line 7 - p. 8, line 13; Fig. 1B]. The kiosk includes an automated document reader which reads a document showing the customer's seat location [Spec. p. 4, lines 6-10; p 6, lines 11-16; p. 7, lines 13-16; Fig. 1B, feature 140]. The kiosk further includes a display which displays an image associated with the seat location responsive to reading the seat location with the document reader [Spec. p. 4, lines 6-10; p. 6, lines 11-16; p. 8, lines 3-7; Fig. 1B, feature 122]. The kiosk further includes a payment receiver for receiving payment from a

customer, and a printer for automatically printing the image associated with the seat location responsive to receiving payment [Spec. p. 4, lines 6-10; p. 6, lines 11-16; p. 8, lines 7-13; Fig. 1B, features 128, 124].

In accordance with claim 25, a computer program product comprises a program configured to perform a method of providing souvenir images to event site customers and recordable signal bearing media bearing the program [Spec. p 14, lines 1-5]. In accordance with the method, motion video is captured during an event attended by a set of event site customers [Spec. p. 3, lines 2-14; p. 4, lines 11-15; p. 11, lines 1-8; p. 13, lines 12-18; Fig. 2, step 212]. Images of different locations within the event site are generated from the motion video, each image being associated with a respective event site location [Spec. p. 3, lines 9-18; p. 7, lines 3-10; Fig. 2, steps 212-216]. Each event site location is occupied during the event by a respective discrete subset the set of event site customers, each said subset being different and containing at least one and fewer than all of the event site customers, each customer occupying only a single event site location during the event [Spec. p. 3, lines 2-5; p. 4, lines 4-10; p. 6, lines 1-4, 18-22; p. 8, lines 3-6; p. 12, lines 8-19]. A customer inputs a desired event site location into an automated interactive device after the video is captured [Spec. p. 3, line 19 - p. 4, line 10; p. 7, lines 11-19; p. 9, line 21 - p. 10, line 8; Figs. 3 and 4]. Responsive to the input, the interactive device automatically display an image associated with the desired location [Spec. p. 3, line 19 - p. 4, line 10; p. 8, lines 3-7; p. 10, lines 7-13; Figs. 3 and 4]. Responsive to receiving a customer confirmation, the interactive device automatically provides the image to the customer [Spec. p. 4, lines 6-10; p. 8, lines 7-13; p. 10, lines 12-21; Figs. 3 and 4].

6. Grounds of Rejection To Be Reviewed on Appeal

Claims 1, 3-6, 9, 10, and 13-29 are finally rejected under 35 U.S.C. §103(a) as unpatentable over Catanoso (U.S. Patent 6,892,388). The only issues in this appeal are whether the claims are prima facie obvious over *Catanoso*.

7. Argument

Appellant contends that the Examiner failed to establish adequate grounds of rejection for the following reasons:

I. The Examiner improperly rejected claims 1, 3-6, 9, 10, and 13-29 under 35 U.S.C. §103(a) because *Catanoso* fails to teach, suggest or otherwise render obvious certain key claim limitations, in particular the use of a specific event location associated with the customer as an indexing technique for selecting an image from among multiple images [page 9 below].

II. The Examiner improperly rejected claims 10, 24, 26 and 27 under 35 U.S.C. §103(a) because, in addition to reasons previously explained, *Catanoso* fails to teach, suggest, or otherwise render obvious the correlation of images with assigned seat locations [page 17 below].

Overview of Invention

A brief overview of appellant's invention in light of existing art will be helpful in appreciating the issues herein. Appellant's invention relates to providing souvenir images to customers at an event, such as a sporting event, concert or the like. In particular, appellant's invention is intended to provide a practical, automated method and device for generating customized souvenir images from a large number of images taken at an event, which requires substantially less manual intervention than prior art techniques. In fact, in one preferred embodiment (the kiosk, as recited in independent claim 24), all of the

selection and sale of souvenir images is performed using an automated interactive apparatus, requiring no manual intervention by the vendor.

Various prior art techniques exist for generating souvenir images, but all involve substantial manual intervention either on the part of the vendor or the customer or both, and therefore are difficult to scale for use in a mass entertainment setting, such as a sporting event or concert involving thousands of people. For example, it is known to photograph customers as they pass through a gate or similar area, and to then post the photographs on a wall or bulletin board for selection by the customers. A major drawback to this method is that, as the number of photographed customers increases, it takes longer for each customer to browse the photos in order to find his/her own. Another drawback is that the customer is depicted at an entry area rather than the actual event, and the image is therefore perhaps less interesting. It is also known to photograph customers using so-called instant photography by providing roaming photographers through a seating area, but this technique is labor intensive. Various other techniques exist, but each has its own drawbacks. In general, these techniques are difficult to apply to a typical mass spectator event, attended by a large number of persons. It is generally not possible or practical to know in advance which attendees will want souvenir images; indeed, the desire to purchase a souvenir image often arises in the customer after the fact.

In accordance with appellant's invention, an automated device captures images of locations within the venue (preferably, seating locations) during the event and automatically associates each captured image with the location, which may be some discrete subset of the seats in the event facility. Preferably, each and every seat in the house is covered, so that the process can be completely automated, and does not require manual selection of persons or locations to capture. After the images are captured (e.g.,

at the conclusion of the event), the customer is allowed to view one or more captured images in which he appears by inputting location information in any of various ways to an automated interactive device, such as a kiosk, or an interactive browser connected to the Internet. Responsive to that input, the device automatically retrieves the image or images associated with the input location, and displays the image(s) to the customer. The customer is preferably allowed to select an option for purchasing the image(s) in any of various forms.

Appellant does not claim to have invented the concept of souvenir images, which is well known. Appellant has invented and claimed a specific method and system for providing souvenir images to a mass audience on an automated basis. Of particular significance in the present appeal is the use of a location which is associated with a customer at an event as a form of index to find one image among many. Significantly, appellant's independent claims recite that each of multiple ***locations*** (variously recited as an "event site location", "location within an event site", or "subset of seat locations") contains a respective ***subset of event site customers who occupy that location and that location only during the event***, that a respective location is associated with each image, that the ***location is input to an automated device***, and that the ***automated device retrieves and displays the image responsive to the input of location information***.

I. The Examiner improperly rejected claims 1, 3-6, 9, 10 and 13-29 under 35 U.S.C. §103(a) because *Catanoso* fails to teach, suggest or otherwise render obvious certain key claim limitations, in particular the use of a specific event location associated with the customer as an indexing technique for selecting an image from among multiple images.

The Examiner rejects the claims as obvious over the single reference *Catanoso*. Appellant's claims are not obvious over *Catanoso* because *Catanoso* does not disclose, suggest, or otherwise provide any rationale or motivation which would render obvious certain key claim limitations, in particular the limitations that each event location is occupied during the event by a specific subset of customers, that this location is input to an automated device, and that the automated device retrieves images associated with that location responsive thereto.

Catanoso discloses a computer-controlled video recording and production system. In accordance with *Catanoso*, multiple video cameras are under the control of a central computer system (or network of systems), which may use sensors for control or may use manual input. Video and audio input are captured from the multiple cameras and stored in the system. Playback and editing functions are provided.

Catanoso discloses various potential applications for his video recording system, none of which are explained in any great detail. Among the applications for his invention, *Catanoso* discloses that it can be used to capture souvenir images of individuals at amusement park rides. Specifically, all individuals riding a particular amusement park ride are photographed during the ride, without previously asking whether the individual wants a souvenir video. At the conclusion of the ride, the video is displayed or available for display near the exit point, and the individual has the

opportunity to purchase a souvenir copy. This is a well-known application which is also disclosed in the background section of appellant's specification.

Catanoso does indeed disclose the general concept of souvenir images and the common practice of capturing images from all or substantially all customers before offering the customer the opportunity to purchase. *Catanoso* further discloses a certain degree of automation, such as automatically capturing the images, storing the images, and displaying them on a display.

But with all that, *Catanoso* fails to disclose or suggest significant features of applicant's invention which provide an advancement over existing art, and make it practical to provide souvenir images in an automated manner on a mass scale at a very large event. Specifically, *Catanoso* fails to disclose or suggest the association of a ***location*** with the customer and the use of that ***location*** as a form of index to automatically retrieve and display images to the customer.

The Examiner glosses over the significance of location, apparently maintaining that location is something inherent in the customer or the image, the customer occupying a location and the image being taken in a location. The Examiner further maintains that it would have been obvious to display images captured from multiple locations at a single display. As superficially plausible as some of these assertions may seem, they ignore the essential nature of *Catanoso*'s technique (in which the ***physical location*** of the electronic display at the exit of a particular amusement ride is essential to prompting a sale), and the differences between it and the invention claimed by applicants herein (in which ***location information*** is input to a digital device for retrieval of selective images out of a potentially enormous set of images). Applicants' representative claim 1 recites:

1. A method of providing souvenir images to event site customers, comprising:

capturing motion video data during an event, said *event being attended by a set of event site customers*;

automatically generating a plurality of *images of different event site locations of a plurality of event site locations within an event site* from said motion video, wherein each image of said plurality of images is associated with a respective one of said event site locations, wherein *each said event site location is occupied during said event by a respective discrete subset of said set of event site customers, each said subset being different and containing at least one and fewer than all respective event site customers of said set of event site customers, each said event site customer occupying only a single respective event site location of said different event site locations during said event*;

receiving, in an automated interactive device, an input from a customer specifying a desired event site location from among said plurality of event site locations, said receiving step being performed after said step of capturing motion video data;

responsive to said step of receiving a user input, *automatically displaying to the customer in said automated interactive device at least one image associated with the desired event site location*; and

responsive to receiving in said automated interactive device a customer confirmation, automatically providing the at least one image to the customer. [emphasis added]

Independent claim 25 is a program product claim containing similar limitations. Independent claim 16 is a system claim having somewhat different limitations, but contains the limitations analogous to those italicized above. Independent claim 24 recites an automated kiosk for providing souvenir images; while having somewhat different limitations, it also contains limitations analogous to, though generally narrower than, those italicized above. Various additional limitations of claim 24 are discussed in part II herein, but the remarks in part I herein apply as well to claim 24.

The rejection herein is based on obviousness, which of course means that it is not necessary to disclose each and every claim limitation in the reference. However, obviousness does not mean that some small part, or that even a single word, of the claim

can be ignored. The claim must be read as a whole, and each and every word given effect. The disclosure of the reference must be sufficient to place the claimed invention, i.e. each and every word of the method or process claimed, within the obvious reach of one of ordinary skill in the art.

As a fundamental matter, it is necessary to understand the usage of the term "event" in appellant's claims. While no specific "event" is claimed, appellant claims an "event" having multiple "event site locations" attended by a "set of event site customers", wherein each customer occupies only a single "event site location" during the "event"[1]. Appellant's recited "locations" must be understood in this context.

In this context, appellant's representative claim 1 recites generating multiple images associated with different respective event site locations, and ***"...receiving, in an automated interactive device, an input ... specifying a desired event site location..."***. As explained previously, *Catanoso* would place an output display at the exit from an amusement ride, and display video taken of a customer on the ride at the output display. There is nothing whatsoever which discloses or suggests the customer inputting a desired event site location to an interactive device. Claim 1 further recites, **"...responsive to said step of receiving a user input, automatically displaying to a customer ... at least one image associated with the event site location.."**. As recited in claim 1, the step of automatically displaying is "responsive to said step of receiving a user input", i.e, the step of receiving user input "specifying a desired event site location". The image displayed is an image "associated with the desired event site location".

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[1] Independent claims 1 and 25 recite "event site locations"; independent claim 16 recites "locations within an event site", and independent claim 24 recites "seat locations". Claim 24 recites "event site customers" each having an "assigned seat location".

At p. 2 of the office action, the Examiner finds the first step to be disclosed because the customer selects an image, the image having been captured at a location[2] Appellant disagrees. The act of selecting and purchasing an image does not amount to specifying a location in an interactive device, notwithstanding that the fact that the image was inherently taken at a location.

Appellant is mindful that claim limitations are given their broadest reasonable interpretation, but submit that this interpretation is plainly unreasonable. An image is always captured at a location. By the Examiner's reading, any time a person uses an interactive device to select an image, he is "inputting" a "location" of the image to the device. Appellant submits that the idea of "input" to an "automated interactive device" is well understood to mean that one must input some ***data*** specifying something, in this case the desired location. This is the only interpretation that makes any sense. To hold otherwise would trivialize the claim limitation, and essentially read it out of the claim.

But even more telling, the retrieving of the image performed ***"...responsive to said step of receiving a user input..."*** I.e., according to claim 1, the location is essential indexing information used to retrieve the desired image (from among a potentially large set of images). By the Examiner's reading, the image is the location information. How then can the image be retrieved using the location information, when according to the

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[2] At p. 2 of the Office Action, the Examiner reads the applicable claim limitation as follows:

"... Catanoso discloses a method of providing souvenir images ... comprising: ... receiving, in an interactive device (col. 2, lines 10-15) desired location from among a plurality of locations (that for which the picture is desired), information from the customer (inherent in that the desired images are sold to the customer, col. 6, lines 12-14)..."

Catanoso col. 2, lines 10-15 merely disclose a workstation display. Col. 6, lines 12-14 discloses: " All riders are recorded; video tapes or other media are produced only when a rider purchases them." There is nothing whatsoever that discloses or suggests any input of ***location information*** from the customer to an interactive device.

Examiner's interpretation, the "location" is "input" when the user selects an image? Clearly, such a reading of the claim limitation makes no sense.

Catanoso's images are inherently captured at a location, and the customer is occupying the location at the time, but the Examiner has been less than candid in explaining what the "event" is. And with good reason.

If the "event" is the particular amusement park ride at which the customer's image is captured, then it is simply not true that there are multiple "event site locations". There is one and only one "event site location", being that particular ride. Nor is there any rationale or motivation whatsoever for a customer to input location information to a digital device at the exit point of the amusement ride, since such location information would be completely superfluous.

If, on the other hand, the "event" is the amusement park as a whole, then there is no association of the customer with an "event site location". The customer does not occupy any particular location for the duration of the event, but wanders around the park. Nor is any location within the park occupied by any particular customer or subset of customers; indeed, it is possible that a location will be occupied by all of the customers, although not at the same time. And for all of these reasons, there is again no demonstrated rationale or motivation for a customer to input location information to a digital device in order to retrieve souvenir images. In order to retrieve all applicable souvenir images, the customer would have to remember and input all locations the customer has visited (possibly all the locations at the amusement park), and review images of every customer who has been to those locations. This is essentially the

electronic equivalent of reviewing thousands of images posted on a bulletin board. It is just such a tedious review that appellant's invention is intended to avoid.

As explained previously, appellant's invention is intended to make it more practical to offer souvenir images to a mass audience at an event. Prior art techniques, such as the one disclosed in *Catanoso*, are practical for a relatively small number of patrons (e.g., at an individual amusement park ride), where it is possible to offer a souvenir immediately upon exiting from the ride. In this case, the customer will be reviewing ***all the images*** captured at that location in a recent time interval, but the number of such images will be comparatively small because it will be limited by the time interval and the fact that the images were captured at a single location. However, scaling this approach to a much larger venue, such as a football game or a rock concert attended by 50,000 fans, is not very practical.

Therefore, a significant feature of appellant's invention which enables its use in a very large venue is the input of location information to an automated device, and the automated retrieval and display of an image using that location information. In effect, the event site location acts as an indexing tool to find one or a relatively small number of images, from among a potentially very large set of images.

This is the reason for the limitation that there are multiple event site locations, each occupied by a respective discrete subset of customers, and each customer occupying only a single location during the event. Since the customer occupies only one location, it is possible to drastically reduce the scope of images to be browsed by associating images with locations, and inputting location information. This is not possible in a venue (such as an amusement park) where the customer wanders around.

There is simply nothing in *Catanoso* which teaches, suggests, or otherwise renders obvious such a technique. Although *Catanoso* does indeed relate to the general field of souvenir images, it is directed to a substantially different environment. In *Catanoso*'s environment, the images are displayed to the customer *at the exit from the amusement park ride*. For any given ride, only a relatively small number of patrons will be on that ride, and it will be practical to display the images at an exit point, allowing the customer to make a selection at that point. There is no need to solicit location information from the customer, because the venue in which the images are offered (the ride) is itself a sufficient limitation on the number of images.

Put another way, the ***motivation***, or the ***reason which is behind the inputting of location data as an index to find images***, does not exist or is not shown in *Catanoso*. It is true enough that interactive display hardware, data indexing and retrieval techniques, and other basic digital data hardware and software techniques, are known. But none of this, combined with *Catanoso*, would suggest or render obvious the particular technique recited in appellant's claims.

As a final note, appellant observes that *Catanoso* does indeed mention obliquely that his system could be used at "athletic events and/or training".[3] But what is disclosed here? It is use of *Catanoso*'s system, ***as described***, in the context of an "athletic event and/or training". *Catanoso* does not explicitly identify what will be captured in the images, and from the context, it appears that it is the athletes themselves, not the spectators, who would be shown in the images. As such, there would be no need to identify multiple locations or associate customers (spectators) with locations for purposes of identifying an appropriate image. At any rate, *Catanoso*'s silence in this matter can

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[3] Catanoso, col. 5, line 47.

not possibly be taken as a disclosure or suggestion of essential features of appellant's invention.

For the reasons above stated, the claims are not obvious in view of *Catanoso*.

II. The Examiner improperly rejected claims 10, 24, 26 and 27 under 35 U.S.C. §103(a) because, in addition to reasons previously explained, *Catanoso* fails to teach, suggest, or otherwise render obvious the correlation of images with assigned seat locations.

Appellant's independent claim 24 recites an automated kiosk for providing souvenir images. Certain significant limitations of claim 24 are analogous to limitations of claim 1 discussed above, and are patentable over the art for the reasons stated above in Part I, which are herein incorporated by reference. However, these limitations are in certain respects narrower in claim 24, and therefore even if the Board of Appeals should agree with the Examiner's rejections of the other claims, appellant maintains that claim 24 is separately patentable.

Appellant's claim 24 recites:

> 24. A system adapted to provide souvenir images to event site customers, comprising:
>
> a camera adapted to capture a plurality of images of different locations within an event site during an event;
>
> a sensor that *automatically correlates each image of the plurality of images with a respective discrete subset of a plurality of subsets of a set of seat locations* at said event site, each said subset being different and containing at least one and fewer than all respective said seat locations of said set of seat locations at said event site;
>
> an automated kiosk for interactive use by a customer after said camera has captured said plurality of images, comprising:

> *an automated document reader that receives a physical document evidencing an assigned seat location from a customer*, said automated document reader reading data recorded on said physical document to obtain said assigned seat location, said data being unique to said customer;
>
> *a display that automatically displays an image in the plurality of images associated with the assigned seat location responsive to obtaining the assigned seat location* using data read by said document reader;
>
> a payment receiver that receives a required payment from the customer; and
>
> a printer that automatically prints the image associated with the desired seat location in response to the payment receiver receiving the required payment [emphasis added]

Thus, where claim 1 recites an "event site location", claim 24 plainly recites an "assigned seat location". Furthermore, the kiosk contains a document reader which reads the assigned seat location from the customer's ticket, and a display which automatically displays the image in response.

The Examiner apparently deems the use of an automated ticket reader to be obvious to ensure proper data entry, and therefore rejects claim 24 on the same rationale that claim 1 was rejected. Appellant concedes that document readers are known in the art, but that misses the point. *Catanoso* does not disclose or suggest any form of input of an ***assigned seat location***, for use in retrieving some subset of a larger set of images.

In rejecting claim 24, the Examiner is ignoring his own arguments with respect to claim 1. The Examiner interpreted the step of providing input of a location to be shown by the user selecting an image. I.e., the location was the location at which the image was captured (the ride), it being inherently input when the user selected an image. In the case of claim 24, what is recited is an "assigned seat location", which is input to the system via an automated document reader, and from which the images are retrieved. Riders of an

amusement park ride typically do not have "assigned seat locations" (or, at least, there is no disclosure or suggestion of such in *Catanoso*). The location of the amusement park ride itself, or of an interactive display device which displays images after the ride, clearly does not meet the limitation of an "assigned seat location", nor does it suggest, or in any other way render obvious, the use of an "assigned seat location" as an indexing tool for finding an image from among a larger collection of images.

Claims 26 and 27 are dependent on claim 24 and patentable for the same reasons. Claim 10, dependent on claim 1, also recites use of a seat number, and is patentable for the reasons stated above.

For all of the reasons stated herein above and in Part I, the Examiner's rejections of claims 10, 24, 26 and 27 were erroneous.

8. Summary

Appellant discloses and claims a novel and unobvious technique for providing souvenir images, by capturing images at multiple locations, and correlating a customer location to selective images in a set of images. Appellant's technique facilitates the offering of souvenir images to a mass audience in a large venue because it can automatically retrieve a small number of images from a much larger collection for display to a customer. *Catanoso* discloses a known technique for offering souvenir images at an amusement park ride, in which the image is offered immediately at the conclusion of the ride and at the exit from the ride. For the reasons stated, there is no disclosure in *Catanoso*, nor is there any reason in *Catanoso*'s environment, to input location data

associated with the customer as recited in the claims to an automated device, and use this data to retrieve an image.

For all the reasons stated herein, the rejections for obviousness were improper, and appellant respectfully requests that the Examiner's rejections of the claims be reversed.

Date: February 19, 2009

Respectfully submitted,

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APPENDIX OF CLAIMS

1. A method of providing souvenir images to event site customers, comprising:

capturing motion video data during an event, said event being attended by a set of event site customers;

automatically generating a plurality of images of different event site locations of a plurality of event site locations within an event site from said motion video, wherein each image of said plurality of images is associated with a respective one of said event site locations, wherein each said event site location is occupied during said event by a respective discrete subset of said set of event site customers, each said subset being different and containing at least one and fewer than all respective event site customers of said set of event site customers, each said event site customer occupying only a single respective event site location of said different event site locations during said event;

receiving, in an automated interactive device, an input from a customer specifying a desired event site location from among said plurality of event site locations, said receiving step being performed after said step of capturing motion video data;

responsive to said step of receiving a user input, automatically displaying to the customer in said automated interactive device at least one image associated with the desired event site location; and

responsive to receiving in said automated interactive device a customer confirmation, automatically providing the at least one image to the customer.

2. (Cancelled)

3. The method of claim 1, wherein the at least one image comprises an electronic image.

4. The method of claim 1, wherein the motion video data comprises a scoreboard display signal.

5. The method of claim 1, wherein the motion video data comprises a television broadcast signal.

6. The method of claim 1, wherein the at least one image comprises a video clip.

7 - 8. (Cancelled)

9. The method of claim 1, further comprising receiving money from the customer.

10. The method of claim 1, wherein receiving desired location information from the customer comprises receiving a seat number from the customer.

11-12. (Cancelled)

13. The method of claim 1, wherein providing the at least one image comprises:
receiving an electronic mail address from the customer; and
transmitting the first image to the electronic mail address.

14. The method of claim 1, wherein providing the at least one image comprises:
printing the at least one image.

15. The method of claim 1, wherein providing the at least one image comprises:
writing the at least one image onto a signal bearing media.

16. A system for providing souvenir images, comprising:

a selection input device adapted to receive input specifying a desired location from among of a plurality of locations within an event site from a customer from a set of event site customers attending an event;

a camera adapted to capture motion video data during an event for automatically generating a plurality of images of different locations of said plurality of locations within said event site, wherein each image of said plurality of images is associated with a respective one of said locations within said event site, wherein each said location within said event site is occupied during said event by a respective discrete subset of said set of event site customers attending said event, each said subset being different and containing at least one and fewer than all respective event site customers of said set of event site customers, each said customer attending said event occupying only a single respective one of said locations within said event site during said event;

an image database for storing image data from said motion video data;

a processor adapted to automatically correlate the desired location within said event site received from a customer at said selection input device with at least one image associated with the desired location within said event site, wherein the desired location is received from the customer at said selection input device and correlated by said processor with the at least one image after said camera captures said motion video data; and

an image delivery apparatus adapted to automatically provide the at least one image associated with the desired location to the customer responsive to customer input of a desired location within said event site to said selection input device.

17. The system of claim 16, wherein the image delivery apparatus comprises a kiosk.

18. The system of claim 17, wherein the image delivery apparatus comprises a printer operably connected to the kiosk.

19. The system of claim 17, wherein the image delivery apparatus comprises an optical disk writer operably connected to the kiosk.

20. The system of claim 16, wherein the selection input device comprises at least one of a touch sensitive monitor and a keypad.

21. The system of claim 16, wherein the image delivery apparatus comprises a server computer operably connected to a computer network.

22. The system of claim 16, further comprising a stadium display unit operably connected to the camera, the stadium display unit adapted to display the at least one image to a plurality of event site customers.

23. The system of claim 16, wherein the image comprises at least one of: a video clip, a photograph, a digital photograph, and a digital video clip.

24. A system adapted to provide souvenir images to event site customers, comprising:

a camera adapted to capture a plurality of images of different locations within an event site during an event;

a sensor that automatically correlates each image of the plurality of images with a respective discrete subset of a plurality of subsets of a set of seat locations at said event site, each said subset being different and containing at least one and fewer than all respective said seat locations of said set of seat locations at said event site;

an automated kiosk for interactive use by a customer after said camera has captured said plurality of images, comprising:

an automated document reader that receives a physical document evidencing an assigned seat location from a customer, said automated document reader reading data recorded on said physical document to obtain said assigned seat location, said data being unique to said customer;

a display that automatically displays an image in the plurality of images associated with the assigned seat location responsive to obtaining the assigned seat location using data read by said document reader;

a payment receiver that receives a required payment from the customer; and

a printer that automatically prints the image associated with the desired seat location in response to the payment receiver receiving the required payment.

25. A computer program product, comprising:

(a) a program configured to perform a method of providing souvenir images to event site customers, the method comprising:

1) capturing motion video data during an event, said event being attended by a set of event site customers;

2) automatically generating a plurality of images of different event site locations of a plurality of event site locations within an event site from said motion video, wherein each image of said plurality of images is associated with a respective one of said event site locations, wherein each said event site location is occupied during said event by a respective discrete subset of said set of event site customers, each said subset being different and containing at least one and fewer than all respective event site customers of said set of event site customers, each said event site customer occupying only a single respective event site location of said different event site locations during said event;

3) receiving, in an automated interactive device, an input from a customer specifying a desired event site location from among said plurality of event site locations, said receiving step being performed after said step of capturing motion video data;

4) responsive to said step of receiving a user input, automatically displaying to the customer in said automated interactive device at least one image associated with the desired event site location; and

5) responsive to receiving in said automated interactive device a customer confirmation, automatically providing the at least one image to the customer; and

(b) a recordable signal bearing media bearing the program.

26. The system of claim 24, wherein said automated kiosk further comprises an interactive input device coupled to said display, wherein said automated kiosk displays a subset of said plurality of images, said subset containing multiple images, each image of said subset being associated with the assigned seat location, and wherein said automated kiosk receives from said customer using said interactive input device a selection of one of said multiple images of said subset, said printer automatically printing the selected image responsive to receiving said selection from said customer.

27. The system of claim 24, wherein said automated kiosk further comprises an interactive input device coupled to said display, wherein said automated kiosk receives from said customer a personalized message using said interactive input device, and wherein responsive to receiving said personalized message, said kiosk automatically prints said personalized message with said image associated with the desired seat location.

28. The method of claim 1,

wherein said step of automatically generating a plurality of images automatically generates, for each said event site location, a subset of said plurality of images, each subset comprising multiple said images;

wherein said step of automatically displaying to the customer in said automated interactive device at least one image comprises automatically displaying to the customer in said automated interactive device the subset of said plurality of images associated with the desired event site location;

wherein said method further comprises the step of receiving a customer selection of at least one image of said subset of said plurality of images associated with the desired event, said customer selection being received in said automated interactive device, the at least one image selected by said step of receiving a customer selection being automatically provided to the customer by said automatically providing step.

29. The method of claim 1, further comprising the step of receiving in said automated interactive device a personalized message from said customer, wherein the step of automatically providing the at least one image to the customer automatically provides an image containing said personalized message.

APPENDIX OF EVIDENCE

No evidence is submitted.

APPENDIX OF RELATED PROCEEDINGS

There are no related proceedings.